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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,896	08/02/2000	Timothy J. Mousley	PHB 34 , 390	7981
24737	7590	06/22/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			SHAH, CHIRAG G	
P.O. BOX 3001			ART UNIT	
BRIARCLIFF MANOR, NY 10510			PAPER NUMBER	
			2664	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/630,896

Applicant(s)

MOULSLEY ET AL.

Examiner

Chirag G. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 15, 18-20, 23-25, 28-30, and 33-34 rejected under 35 U.S.C. 102(a) as being anticipated by Cho et al. (WO 0013426).

Referring to claims 15, 20, 25 and 30, Cho et al discloses in the abstract, figure 12 and claims 1-6 of a radio communication system, comprising a primary station (base station) operable (having means) to transmit a random access channel status message (BCCH) indicating an availability of random access channel resources (Base Station generates a broadcast channel frame at predetermined intervals, which includes status information indicating whether channel codes which are changing in real time are occupied or not as disclosed in the abstract and claim 1); a plurality of secondary stations (mobile stations) operable (means for receiving) to receive the random access channel status message (a mobile stations selects an available channel code based on information from the received broadcast frame as disclosed in the abstract and claims 1-3), wherein each secondary station (at least one secondary) is further operable (means for requesting) to request a random access channel based on the random access channel status message (Cho et al further discloses in the abstract and claims 1-3 that upon selecting an available channel code based the received broadcast channel frame, the mobile station generates

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a channel assignment request message and transmits the channel assignment request message on a random access channel); and wherein the primary station (Base Station) is further operable (having means) to dynamically allocate bit rates (set a transmission rate) to at least one random access channel in response to at least one request (request by a mobile station) for at least one random access channel resource from the plurality of secondary (mobile) stations (Cho et al discloses in the abstract, page 5, lines 5-10, page 10, lines 5-24 along with figures 6 and 12 that upon reception of the channel assignment request message on the random access channel, the base station assigns a channel, set a transmission rate, and transmits the information on a forward access channel) as claim.

Referring to claims, 18, 19, 23, 24, 28, 29, 33 and 34, Cho et al discloses in the abstract, figure 5, 8 and 9 of wherein the random access channel status message is transmitted by the primary station (base station generates a broadcast channel frame, which includes status information indicating whether channel codes which are changing in real time are occupied or not and further more as disclosed in figure 8, the information sent on a BCCH by the base station includes a system parameter, PID, and status information) as a part of a paging indicator channel and an acquisition indicator channel (the frame data of BCCH includes the PID of the mobile station, which implies that the mobile station is paged from the network, the mobile station attempts a channel access and when the mobile station requests the channel assignment for paging, the mobile station NR and AR fields indicating a required assigned band and an additional assigned band respectively are both set to 0 because the mobile station does not know a band for processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band (rate) acquisition for processing traffic as disclosed in page 11, lines 3-21) as claim.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 17, 21, 22, 26, 27, 31, and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Aftelak et al. (WO 00/07401).

Referring to claims 16, 17, 21, 22, 26, 27, 31, and 32, Cho discloses in the abstract, figures 8, 12, and claims 1-6 of a method characterized by the random access channel status message. Cho fails to disclose of sending a random channel status message indicating which data rates with respect to channel codes and highest data rates available on the random access channel. Aftelak teaches of a communications system wherein base station transmits status information to subscriber units (mobile station). Aftelak discloses on page 8 and 9 of capabilities of the network, where it provides subscriber units where a first channel or cell can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities. Thus, indicating the highest data rate available on the random access channel as claim 12. Therefore, it would have been obvious to modify the teachings of Cho to include the teachings of Aftelak in order to provide better user service and reduce channel resource fluctuations in order to efficiently request the rate needed for transmission.

*Response to Arguments*

5. Applicant's arguments filed 4/08/05 have been fully considered but they are not persuasive.

Referring to claims 15, 20, 25, and 30, Applicant argues that at best, Cho teaches a static allocation of transmission rates to the various random access channels prior to any dynamic allocation of a random access channel to a mobile station whereby, after a random access channel has been dynamically allocated to a mobile station the base station and the mobile station can change as needed the pre-assigned transmission rate that was statically allocated to the dynamically allocated random access channel. Examiner respectfully disagrees for several reasons and redirects Applicant to the Cho reference. Cho clearly discloses on page 5, lines 5-10 and lines 18-20 that upon the reception of the channel assignment request message on the random access channel, the base station assigns the channel, sets (dynamically) a transmission rate, and transmits the information on a forward channel. Cho clearly discloses and/or suggests on page 5, lines 5-10 that the transmission rate is dynamically set since the base station (device) dynamically controls the transmission rate depending on the amount of data transmitted during data transmission in a mobile communication system. In addition, as disclosed in fig. 6 and respective sections of the specification, the transmission rate of the channel assignment assigned to the mobile station for data transmission to the base station is dynamically executed by the use of the AR (Additional Rate) field. In other words, the additional transmission rate field (AR) is dynamically set by the base station and assigned to the mobile station for transmission to the base station. Thus, a dynamic allocation of the transmission rate to the various random access

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channels is disclosed by Cho as required by independent claims 15, 20, 25 and 30. Therefore, based on the reasons above along with the reasons provided in the Office Action mailed on 11/17/04, the claims 15, 20, 25, and 30 remain rejected.

***Conclusion***

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703)305-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE)

**Or:**

(703)305-5403 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The  
examiner can normally be reached on M-F 6:45 to 4:15, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the  
organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs  
June 14, 2005

  
**Ajit Patel**  
**Primary Examiner**